

**Eligibility in SD Guide**

**Appendix**

South Dakota Department of Education

Special Education Programs

800 Governors Drive

Pierre, SD 57501

**June 2015**

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# Evaluation procedure ARSD

**24:05:25:04. Evaluation procedures -- General.** School districts shall ensure, at a minimum, that evaluation procedures include the following:

(1)  Assessments and other evaluation materials are provided and administered in the child's native language or by another mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer. In addition, assessments and other evaluation materials:

(a)  Are used for the purposes for which the assessments or measures are valid and reliable; and

(b)  Are administered by trained and knowledgeable personnel in conformance with the instructions provided by their producer;

(2)  Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient;

(3)  Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment accurately reflects the child's aptitude or achievement level or whatever other factors the assessment purports to measure, rather than the child's impaired sensory, manual, or speaking skills except where those skills are the factors which the assessment purports to measure;

(4)  No single measure or assessment is used as the sole criterion for determining eligibility or an appropriate educational program for a child;

(5)  A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child, including information provided by the parents, that may assist in determining:

(a)  Whether the child is a child with a disability; and

(b)  The content of the child's IEP, including information related to enabling the child:

(i)   To be involved in and progress in the general education curriculum; or

(ii)  For a preschool child, to participate in appropriate activities;

(6)  Technically sound instruments, assessment tools, and strategies are used that:

(a)  May assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors; and

(b)  Provide relevant information that directly assists persons in determining the educational needs of the child;

(7)  The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities; and

(8)  The evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

Assessments of children with disabilities who transfer from one school district to another school district in the same school year are coordinated with those children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with § 24:05:25:03.01, to ensure prompt completion of full evaluations.

# Evaluation Quick Reference Guide

**REMINDERS:**

* Transition evaluations will need to be conducted and services included in the IEP prior to age 16, or at a younger age as determined by the IEP team.
* Evaluations must be based upon the child’s needs as determined by the IEP team. The purpose of conducting evaluations is to generate information in order to make decisions about eligibility, educational strategies and placement options.
* The team should take into account any exceptionality of the individual in the choice of assessment procedures.
* When a child has a previous diagnosis, such as autism spectrum disorder, ADHD, TBI, etc., best practice would be to pull forward that previous diagnosis on the Parental Prior Written Notice/Consent for Evaluation.

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| **500 Deaf Blindness** | * Ophthalmological or Optometric * Audiological * Ability * Academic Achievement * Language * Adaptive behavior * Braille assessment (the team shall consider based upon age-appropriateness) * Orientation and mobility * If the team decides there are other areas of suspected disability, other evaluations must be given, such as if appropriate, speech, motor, hearing, etc.   **NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.** |
| **505 Emotional Disturbance** | * Ability * Academic achievement * Observations * Behavior – (To support educational impact a Standardized Rating Scale must be completed individually, at a minimum, by two teachers, a parent/guardian and if appropriate, the student). * If the team decides there are other areas of suspected disability, other evaluations must be given, such as adaptive behavior (to include social skills), speech or language.   **NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.** |
| **510 Cognitive Disability** | * Ability * Academic achievement * Adaptive behavior * If the team decides there are other areas of suspected disability, other evaluations must be given, such as motor, speech or language.   **NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.** |
| **515 Hearing Loss** | * Audiological * Ability * Academic achievement * Language * If the team decides there are other areas of suspected disability, other evaluations must be given, such as adaptive behavior or speech.   **NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.** |
| **525 Specific Learning Disability** | Eligibility using the discrepancy model will be determined through a comprehensive individual evaluation process which will include:   * Ability * Academic achievement * Observation * If the team decides there are other areas of suspected disability, other evaluations must be given, such as adaptive behavior, speech or language.   Eligibility using RtI will be determined through a comprehensive individual evaluation process which will include:   * Academic achievement (1.5 standard deviations from the mean); * Evaluation of student growth relative to benchmark utilizing CBM data taking into account both level and rate of learning; and * Direct observation to assess student performance in the classroom; * If the team decides there are other areas of suspected disability, other evaluations must be given, such as adaptive behavior, speech or language.   **NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.** |
| **530 Multiple Disabilities** | Evaluations must be conducted within the two (or more) disability areas, which the student is suspected of having.   * A child with multiple disabilities shall be evaluated by the procedures for each disability; and shall meet the criteria for two or more disabilities. The IEP team determines whether the criteria have been met. * Evaluation data shall be gathered from those persons designated for each disability in the evaluation of multiple disabilities.   **NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.** |
| **535 Orthopedic Impairment** | * Ability * Academic achievement * Gross and/or fine motor * Adaptive Behavior * Current medical data from a qualified medical examiner. * Documentation including observation of classroom performance and evaluation of how orthopedic impairments adversely affect education performance in the general education classroom or learning environment. * If the team decides there are other areas of suspected disability, other evaluation must be given, such as speech or language.   **NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.** |
| **540 Vision Loss** | * Ophthalmological or Optometric * Ability * Academic achievement * Adaptive Behavior * Braille assessment (the team shall consider based upon age-appropriateness). * If the team decides there are other areas of suspected disability, other evaluations must be given, such as speech, language, or orientation and mobility.   **NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.** |
| **545 Deafness** | * Audiological * Ability * Academic achievement * Language * If the team decides there are other areas of suspected disability, other evaluations must be given, such as adaptive behavior, or speech.   **NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.** |
| **550 Speech/Language Impairment** | * Articulation: a standardized articulation test and observation * Fluency: as determined by the speech/language pathologist * Voice: as determined by the speech/language pathologist, medical evaluation may be necessary * Language: standardized language assessments, checklists, language samples * If the team decides there are other areas of suspected disability, other evaluations must be given, such as adaptive behavior.   **NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.** |
| **555 Other Health Impaired** | * Ability * Academic achievement * **Documentation of a chronic or acute health problem** * If ADHD (Attention Deficit Hyperactivity Disorder) is the impairment, behavioral evaluations must be administered. To support educational impact a Standardized Rating Scale must be completed individually, at a minimum, by two teachers, a parent/guardian and if appropriate, the student). * If the team decides there are other areas of suspected disability, other evaluations must be given, such as adaptive behavior, speech or language.   **NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.** |
| **560 Autism Spectrum Disorder** | NOTE: School districts shall refer students suspected as having autism spectrum disorder for a diagnostic evaluation to an agency specializing in the diagnostic and educational evaluation of autism spectrum disorder or to another multidisciplinary team or group of persons who are trained and experienced in the diagnosis and educational evaluation of persons with autism spectrum disorder.   * Ability * Academic achievement * Language * Adaptive Behavior to include social skills * Behavior - (To support educational impact a Standardized Rating Scale must be completed individually, at a minimum, by two teachers, a parent/guardian and if appropriate, the student). * Autism Spectrum Disorder-Specific Instrument * Observation * If the team decides there are other areas of suspected disability, other evaluations must be given, such as motor, speech, health, vision or hearing.   **NOTE: Skill based assessment and/or early development information is to be gathered for each skill area affected by the disability.** |
| **565 Traumatic Brain Injury** | * Ability * Medical records of documentation of brain injury * Academic achievement * Adaptive Behavior to include social skills * If the team decides there are other areas of suspected disability, other evaluations must be given, such as speech, language, gross motor, fine motor or attention   **NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.** |
| **570 Developmental Delay** | * Standardized developmental assessment which evaluates skills in all development areas:   + Cognitive,   + Physical/Motor (gross and fine)   + Communication   + Social/Emotional   + Adaptive * If the team decides there are other areas of suspected disability, other evaluations must be given, such as speech.   **NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.** |

# Prior Notice Examples

**Meeting Notice –**

**ARSD 24:05:27:02.  IEP team meeting date.** Initial IEP team meetings must be held consistent with § 24:05:25:03. IEP team meetings following reevaluations must be held consistent with § 24:05:25:06. As soon as possible following development of the IEP, special education and related services are made available to the child in accordance with an IEP.

**ARSD 24:05:25:16.  Parent participation.** Each district shall take steps to ensure that one or both parents of the child are present at each IEP team meeting or are afforded the opportunity to participate. The district shall notify parents of the meeting early enough to ensure that they will have an opportunity to attend, scheduling the meeting at a mutually agreed-upon time and place. The notice to the parents shall state the purpose, time, and location of the IEP team meeting and who will be in attendance and inform the parents of the provisions relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child, including information related to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP Team meeting for a child previously served under Part C of the IDEA.

If a purpose of the IEP team meeting is the consideration of postsecondary goals and transition services for a student, the notice must also address the provisions of § 24:05:25:16.01.

If parents cannot attend, the district shall use other methods to ensure participation, including individual or conference telephone calls consistent with § 24:05:27:08.04.

**Meeting Notice –This notice is required prior to scheduling a meeting.**

Content of meeting noticerequires meeting date, time, location, purpose, attendees and contact information.

**Parental Prior Written Notice**

**ARSD 24:05:30:04.  Prior notice.** Written notice which meets the requirements of § 24:05:30:05 must be given to the parents five days before the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child. The five-day notice requirement may be waived by the parents.

**ARSD 24:05:30:05.  Content of notice.** The notice must include the following:  
(1)  A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the IEP team considered and the reasons why those options were rejected;  
(2)  A description of each evaluation procedure, assessment, record, or report that the district uses as a basis for the proposal or refusal;  
(3)  A description of any other factors which are relevant to the district's proposal or refusal;  
(4)  A statement that the parents of a child with a disability have protection under the procedural safeguards of this article and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and  
(5)  Sources for parents to contact to obtain assistance in understanding the provisions of this article.

**Parental Prior Written Notice/Consent for Evaluation –This notice/consent is required prior to initiating or refusing evaluation procedures.**

## Example 1: Initial evaluation following academic interventions

1. ***Explanation of why the district proposed or refused to take the action.***

Data indicates the reading interventions implemented during the response to intervention (RtI) process have not resulted in sufficient progress to prevent (student) from continuing to fall behind in the general curriculum. Since reading is so important in all core subjects (student) may require specialized instruction in order to stay on track and acquire the skill necessary at (his/her) age and grade level. Therefore, we are recommending a comprehensive evaluation to be conducted. The evaluation process is required to determine if (student) is an individual with a disability requiring special education services.

1. ***Description of other options that the IEP team considered and the reasons why those options were rejected:***

The district considered not completing a comprehensive evaluation. However, the district feels current interventions are not sufficient to meet his needs.

1. ***Description of each evaluation procedure, assessment record or report the district used as a basis for the proposed or refused action:***

Intervention progress monitoring data, DIBELS benchmark assessments, Reading Recovery running records, attendance record, optometric evaluation report from Dr. Brown dated January 4, 20--, and parent, classroom teacher, and tutor input.

1. ***Description of other factors that are relevant to district’s proposal or refusal:***During grade-level screening, (student’s) vision and hearing were determined adequate.

## Example 2: Initial evaluation for an out of state transfer

1. ***Explanation of why the district proposed or refused to take the action.***

After reviewing the evaluation data received from the previous school district (student) attended the team has determined it does not support eligibility in South Dakota. Therefore, additional evaluation data is necessary. Prior Written Notice/consent for evaluation was sent to you by the district on (date) and again on (date). The notice requires your signature (consent) to initiate evaluation procedures for (student).

1. ***Description of other options that the IEP team considered and the reasons why those options were rejected:***

Without the additional evaluation information the district will be unable to support continued eligibility for special education and would need to consider dismissal from services.

1. ***Description of each evaluation procedure, assessment record or report the district used as a basis for the proposed or refused action:***

The district reviewed all educational records received from (name of the out of state school district) to include (student’s) evaluation reports, eligibility document and current IEP. Based upon a review of this data, the district must initiate an evaluation to determine if (student) meets the South Dakota eligibility criteria and need for special education services.

1. ***Description of other factors that are relevant to district’s proposal or refusal:***

After evaluations are completed and reports have been received, the district will contact you to schedule a meeting to discuss the evaluation results, determine eligibility and if eligible, an IEP would be written. Please bring any concerns and/or ideas you may have for your child’s education to the meeting.

## Example 3: Initial evaluation following screening

* 1. ***Explanation of why the district proposed or refused to take the action.***

(Student) was part of the district’s free developmental screening. At that time, his/her overall scores in the major areas of Motor, Concepts, and Language were in potential delay. We are requesting your permission to conduct an initial evaluation of (student’s) developmental functioning in order to determine if he/she is a child with a disability.

* 1. ***Description of other options that the IEP team considered and the reasons why those options were rejected:***

We considered waiting with the evaluation until he/she starts kindergarten but feel it would be more beneficial to identify a potential disability at this time in order to pursue early intervention of specialized instruction, as soon as the school year begins.

* 1. ***Description of each evaluation procedure, assessment record or report the district used as a basis for the proposed or refused action:***

DIAL-4 screening scores, preschool teacher and parent input

* 1. ***Description of other factors that are relevant to district’s proposal or refusal:***

You indicated that you have not decided whether to send (student) to kindergarten or junior kindergarten in August. The evaluation data may assist with making that decision.

## Example 4: Reevaluation

1. ***Explanation of why the district proposed or refused to take the action.***

After reviewing data regarding (student’s) IEP goals and his/her performance in the general classroom the district has determined (Student) has been making steady progress over the past two and a half years. It is now time to look at the skills he has learned in the general curriculum and set new target skills for him to obtain. Therefore, the district is proposing a reevaluation.

1. ***Description of other options that the IEP team considered and the reasons why those options were rejected:***

The IEP team considered bringing forward student’s previous ability score. However, the IEP team feels a reevaluation of his ability is necessary in order to obtain a valid and reliable representation of his current cognitive skills.

1. ***Description of each evaluation procedure, assessment record or report the district used as a basis for the proposed or refused action:***

Previous 3-year-comprehensive evaluation reports, current academic performance, current IEP and progress reports

1. ***Description of other factors that are relevant to district’s proposal or refusal:***

This evaluation will help determine if he/she continues to be a child with a disability in need of specialized instruction to benefit from his/her education. Evaluation results will also provide strengths and needs of (student) to assist with designing an appropriate educational program.

## Example 5: Reevaluation

1. ***Explanation of why the district proposed or refused to take the action.***

(Student) was last evaluated and determined to be eligible for special education and related services in January 2011. Since that time behavior concerns have become more pronounced at school and at home. Currently (Student) is receiving special education services under the category of specific learning disability but the district and parents agree a thorough comprehensive evaluation reflecting the current concerns noted in and out of school is necessary for (Student).

1. ***Description of other options that the IEP team considered and the reasons why those options were rejected:***

Since it has been almost two years since the last comprehensive evaluation, the team discussed the option to pull forward previous assessments given but has decided to move forward with requesting permission to administer new assessments rather than pull forward previous assessments administered.

1. ***Description of each evaluation procedure, assessment record or report the district used as a basis for the proposed or refused action:***

Currently (Student) is receiving special education and related services in reading, written expression, and math daily as well as language services weekly. Current behavior records from parents and teachers were also considered. Past history and evaluations were also considered when proposing this evaluation. The district evaluation team determined listening comprehension and oral expression were not significant issues for (Student) therefore chose not to evaluate these areas for eligibility purposes.

1. ***Description of other factors that are relevant to district’s proposal or refusal:***

(Student) is 15 years old, therefore the team proposes to evaluate transition area to ensure the IEP will include transition if (Student) is determined to be a student with a disability which causes an adverse effect to her education and is in need of specially designed instruction. Inviting an outside agency to the meeting for transition was discussed but parents indicated they would not provide consent to invite an outside agency to be invited at this time.

## Example 6: Initial evaluation request of consent for evaluate

1. ***Explanation of why the district proposed or refused to take the action.***

As we have discussed in the past, (Student) has been having difficulty in his core academics and attention. The evaluation is necessary to determine if he is eligible for special education and related services as well as provide the team with specific skill based information on (Student)’s academic and behavioral strengths and weaknesses.

1. ***Description of other options that the IEP team considered and the reasons why those options were rejected:***

(Student) is currently receiving many different interventions to aide in his academic success. He receives Title I for math and reading 30 minutes daily. For reading he attends after school tutoring. The team considered conducting evaluation in the areas of oral expression and listening comprehension however after discussing this with parents the team determined these two skill areas will not be assessed. The school counselor also helps (Student) with organization and study skills weekly. Visual and/or verbal cues are provided to assist with staying on topic during class.

1. ***Description of each evaluation procedure, assessment record or report the district used as a basis for the proposed or refused action:***

Additional data to be used by the team in the eligibility decision will be initial evaluation information from 2005 along with the reevaluation data from 2007. Input from you as the parents, academic background, progress reports (academic and behavior) from teachers and data gathered from the districts informal review following the referral.

1. ***Description of other factors that are relevant to district’s proposal or refusal:***

(Student) continues to struggle with his grades in most classes. His teachers as well as his parents are concerned with academic difficulty as well as an increase in behavioral issues. (Student) has received special education services in the past however, at his last reevaluation while concerns were noted with behavior and academics he was found ineligible due to his achievement being commensurate with his ability, and the behavior evaluations did not demonstrate symptoms of ADHD.

## Example 7: Parent/guardian referral and district refusal

1. ***Explanation of why the district proposed or refused to take the action.***

The district has considered your request to evaluate (student). After a review of (student’s) educational performance, the district has decided not to evaluate him/her at this time.

1. ***Description of other options that the IEP team considered and the reasons why those options were rejected:***

The district considered the ADHD diagnosis you presented on 2-13-13 and your physician’s report stating that (student) needs to be on an IEP. However, there is no evidence his/her ADHD is adversely affecting (student) within the school setting at this time.

1. ***Description of each evaluation procedure, assessment record or report the district used as a basis for the proposed or refused action:***

District reviewed grades, attendance records, behavior records and interviewed each of his/her current teachers

1. ***Description of other factors that are relevant to district’s proposal or refusal:***

The district reviewed his/her academic standing within each current class; he/she is submitting work in a timely manner; and his/her grades are satisfactory. He/she has not had any referrals to the principal’s office due to inappropriate behaviors in the last 5 months. Teachers have also reported they have no concerns within the classroom as his/her behaviors are commensurate with his/her peers.

**Parental Prior Written Notice: The notice is required “prior to implementing” any change in identification, evaluation, placement or the provision of FAPE, regardless of whether an IEP meeting was held or not. The Parental Prior Written Notice must clearly reflect a comprehensive overview of the proposal(s) agreed to and/or refused. The notice provides the parent/guardian a comprehensive overview of the changes and affords them time and opportunity to express additional questions and/or concerns, or seek resolution before any action is taken.**

# Directions for Completing the Determination for Eligibility Document

Complete after an initial evaluation, reevaluation, or review of an independent or outside evaluation. After reviewing and analyzing the evaluation data, the team must determine if the child is eligible for special education services under IDEA.

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| **Page 1** | |
| **Student Name** | Insert Student Name |
| **Date** | Date (month/day/year) the IEP team meets to determine student’s eligibility. |
| **Summary of Evaluation Reports**  **(First Prong of Eligibility)**  ***(Initial and Reevaluation)***  ***(Required for RtI and Discrepancy)*** | Think of this section as a look-at-a-glance. List the name of the test (acronym), date the test was administered, and the standard scores that will be used in determining eligibility. Each area required for evaluation (see “Evaluation Quick Reference Guide-Appendix #1) should be represented with assessment data in this area.  Example 1: For a student suspected of having a Specific Learning Disability, document the ability score and achievement score(s) and the discrepancy score needed for eligibility based on the regression chart.  Example 2: Other Health Impaired due to ADD/ADHD, document the ability score, achievement score(s), clinically significant score(s) from behavior checklists completed, and diagnosis from a school psychologist or medical doctor. |

**Pages 2, 3, 4, and 5 are required documentation for students evaluated for a Specific Learning Disability (SLD) only.**

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| **Page 2** | |
| **Criteria used to determine eligibility** | Check the appropriate box to indicate whether using Response to Intervention (RtI) criteria or discrepancy criteria. |
| **Student does or does not achieve adequately**  ***(Initial and Reevaluation)***  ***(Required for RtI and Discrepancy)*** | Based upon the data documented on the front page, check whether the child does or does not achieve adequately for each of the skill areas listed. |
| **Criteria chose by the IEP team to determine eligibility**  ***(Initial and Reevaluation)***  ***(Required for RtI and Discrepancy)*** | If the student meets criteria in any of the areas of SLD, the IEP team will check the box by the applicable summary statement depending on which criteria the team is choosing to use for eligibility. |
| **Documentation of data**  ***(Initial only)***  ***(Required for RtI and Discrepancy)*** | **For RtI and Discrepancy**, include a statement addressing the pre-referral interventions implemented by highly-qualified staff. For example, “(Student) participated in a pre-referral process for a period of six weeks where four interventions were implemented by highly-qualified staff.” In addition, explain whether the student’s general education teacher is highly qualified. |
| **Tier I, II, III information**  ***(Initial only)***  ***(Required for RtI only)*** | **For RtI**, provide the name(s) of the individual(s) responsible for working with the student during each intervention phase, (Tier I, II, III, ) and whether or not they meet the requirements of a highly qualified teacher. |

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| **Page 3** | |
| **Data-Based Documentation**  ***(Initial only)***  ***(Required for RtI and Discrepancy)*** | A student’s progress should be documented by using an objective and systematic process administered at reasonable intervals.  In other words, **information such as teacher reports and teacher-made tests, while helpful, are not adequate for this determination.**  Data should be used to determine the effectiveness of a particular instructional strategy or program and should be provided to parent/guardians in order to keep them informed of their child’s progress, so that they can support instruction and learning at home.  If a team charged with determining whether a student has an SLD decides that this documentation is not adequate, a decision may be made to conduct additional evaluation and/or collect additional data to determine eligibility.  **For RtI Interventions:** Provide weekly progress monitoring scores for the student in the area(s) of suspected disability. |
| **Attendance Record**  ***(Initial only)***  ***(Required for RtI and Discrepancy)*** | Document the total number of days in the school year, days the student was in attendance, and the days absent. May also included class periods missed.  Example 1: Student missed 24 school days in Quarter 1, and 6 in Quarter 2. We are currently in the middle of the 3rd quarter.  Example 2: Student missed 1st hour class 32 times and 4th hour class 7 times in 1st Quarter, we are currently in the middle of 2nd Quarter and the student has five full day absences. |
| **Decision of Lack of Instruction in Reading or Math**  ***(Initial only)***  ***(Required for RtI and Discrepancy)*** | Students whose lack of achievement can be attributed to a lack of appropriate instruction in reading and math should not be determined to have a SLD.  Appropriate instruction in reading and math should include explicit and systematic instruction in the following:   * Phonemic Awareness; * Phonics; * Vocabulary Development; * Reading Fluency, including oral reading skills; and * Reading Comprehension Strategies; * Mathematic Calculation; and * Mathematic Problem Solving.   Check the appropriate box as determined by the final decision of the eligibility team. |
| **Observation**  ***(Initial and Reevaluation)***  ***(Required for RtI and Discrepancy)*** | The school district shall ensure the child is observed in the child’s routine/ day-to-day learning environment (the general classroom setting or other classroom if appropriate) to document the child’s academic performance and behavior in the area(s) of difficulty.  In the case of a child of less than school age or out of school, a team member must observe the child in an environment appropriate for a child of that age.  The information should include:   * The name of the observer; * The dates of the observation; * The location of the observation; * The summary of relevant behaviors, if any, noted during the observation of the child and relationship of the behaviors to academic functioning.   **For RtI:** If determining eligibility using RtI, the documented observation could be conducted during the RtI process.  **For Discrepancy**: Observe the child in the regular classroom after the child has been referred. |

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| **Page 4** | | |
| **Medical Findings**  ***(Initial and Reevaluation)***  ***(Required for RtI and Discrepancy)*** | | The team must document any medical information including any medical diagnoses, health conditions or medications that may impact the child’s education. |
| **Exclusionary Criteria**  ***(Initial and Reevaluation)***  ***(Required for RtI and Discrepancy)*** | If the evaluation team determines the child’s lack of achievement can be attributed primarily to any of these factors, the child should not be identified as having an SLD. Such students may be served under other appropriate disability category (s). | |
| **Additional RtI Documentation**  ***(Initial Only)***  ***(Required for RtI Only)*** | To use RtI criteria to determine eligibility the school district must apply and be approved by the state of SD.  This section illustrates what has been done beyond the core curriculum, perhaps in Tier II or III. Summarize the research-based interventions attempted (instructional strategies, not names of programs); including time spent each day in each tier.  Information that should also be documented includes Universal Screening scores and the student’s predicted rate of progress.  **Rate of Progress**  **Desired Rate of Progress:**  90 wpm – 9 wpm  32 weeks  2.53 wpm/week  End of the Year Benchmark Score) – (Initial Universal Screening Score) Number of weeks from initial benchmark to final benchmark)  A second grade student read 9 words per minute (wpm) at the *initial universal screening*. By the end of the year, the student would need to be reading 90 wpm to meet *end of the year standards*. The intervention period was calculated as 32 weeks. Therefore, the student’s desired rate of progress = 2.53 wpm/week  **Actual Rate of Progress:**  (Most recent progress monitoring score) – (Initial Universal Screening Score)  31 wpm – 9 wpm  25 weeks  .88 wpm/week  (Number of weeks from initial benchmark to final benchmark)  The same student received interventions for 25 weeks and had a most recent progress monitoring score of 31 wpm during progress monitoring. The student’s actual rate of progress = .88 wpm/week  **Predicted Score Based on Current Rate of Progress:**  (Actual Rate of Progress X Number of remaining weeks to final benchmark) + (Current Progress Monitoring Score)  (.88 wpm/wk X 7 wks) + 31 wpm  37.16 wpm  The student’s actual rate of progress if there are 7 weeks left until the  end of the benchmark and the student currently performed at 31 wpm,  the predicted score = 37.16 wpm/week | |

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| **Page 5** | |
| **Adverse Effects of the Disability on Student’s Educational Performance**  **(Second Prong of Eligibility)**  ***(Initial and Reevaluation)***  ***(Required for RtI and Discrepancy)*** | For each area affected, describe the impact of the disability on the student’s educational performance.  Example 1: For a student who is suspected of a specific learning disability in math calculation and other health impaired due to ADHD, the statement may read, “Student’s inattentive behaviors during classroom instruction interfere with his ability to stay on task and complete assignments. He tends to stare off in space and become off task when working on his own. His off task behavior prevents him from learning organizational skill as compared to his peers. Student’s lack of basic math concepts in math causes him to struggle keeping up with his peers resulting in his inability to learn more grade level math calculation skills.”  Example 2: For a student that has a discrepancy score that meets criteria, but skill based assessment does not reflect an educational impact, a statement may read, “Based on skill-based evaluation, there is no evidence that the disability impacts the student’s performance in the general curriculum.” In this situation, there would not be a need to include this skill area in their Individual Education Program.  Example 3: For a student who is suspected of a specific learning disability in math calculation and math problem solving, language impairment, other health impaired, and autism spectrum disorder the statement may read, ”Student has difficulty focusing, following directions, and learning new skills in all areas but predominantly in social situations and math class. He struggles having a conversation with another person while looking them in the eye and relating to the topic at hand, which affects his performance in group activities and developing friendships with peers in the classroom. At times he gets frustrated and struggles to transition to a new activity. Student also struggles in math to learn new information and keep up with his peer and has difficulty learning new concepts, identifying shapes and counting.” |
| **SLD Determination**  ***(Initial and Reevaluation)***  ***(Required for RtI and Discrepancy)*** | As with any eligibility determination, the decision of whether a student has an SLD and requires special education is made by a group of individuals, the student’s Individual Education Program Team, to include the student’s parent/guardian(s) and a team of qualified professionals.  Each member participating in the determination must provide written certification that the documentation reflects that IEP team member’s conclusion. If any member(s) disagree with the conclusion, a statement of that member(s) conclusion must also be included in the documentation. |

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| **Page 6 Through 9** | |
| **Disability Categories other than SLD**  **(Initial and Reevaluation)** | Check the areas under each category the student meets eligibility criteria for based on the assessment results. |

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| **Page 10** | |
| **Other Factors Considered**  **(ALL Disability Categories)**  **(Initial and Reevaluation)** | Students whose lack of achievement can be attributed to a lack of appropriate instruction in reading, math and/or English Proficiency should not be determined as having a disability.  Appropriate instruction in reading and math should include explicit and systematic instruction in the following:   * Phonemic Awareness; * Phonics; * Vocabulary Development; * Reading Fluency, including oral reading skills; and * Reading Comprehension Strategies; * Mathematic Calculation; and * Mathematic Problem Solving.   Check the appropriate box as determined by the final decision of the eligibility team. |
| **Adverse Effects**  **(ALL Disability Categories)**  **(Initial and Reevaluation)** | For each area affected, describe the impact of the disability on the student’s educational performance.  Example 1: For a student who is suspected of autism spectrum disorder, the statement may read, “Based on the skill-based evaluation, the student’s behavior and delay in language skills are impacting the student’s classroom performance and social relationships. “  Example 2: For a student who is suspected of having a specific learning disability and other health impairment (ADHD), the statement may read, “Student’s inattentive behaviors during classroom instruction interfere with his/her ability to stay on task and complete assignments. He/she tends to stare off in space and become off task when working on his/her own. His/her off task behavior prevents him/her from learning organizational skill as compared to his/her peers. These behavior issues also make it difficult for him/her to recall the steps necessary to solve math problems. |
| **Eligibility Determination** | The IEP team must determine based on the presented evidence if the student has a disability that adversely affects his/her education and the student requires specialized instruction or if the student is not eligible for special education services.  Check the primary category that the child will be reported on child count. |

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| **Page 11** | |
| **Related Services** | Related Service(s): The IEP team needs to determine whether the student qualifies for related services and which services are needed.  **Occupational Therapy Services:**  The student must demonstrate performance on a standardized assessment instrument that falls at least 1.5 standard deviations below the mean in one or more of the following areas: fine motor skills, sensory integration, or visual  **Physical Therapy Services:**  The student must demonstrate performance on a standardized assessment instrument that falls at least 1.5 standard deviations below the mean on a standardized motor assessment instrument.  **Speech – Language Pathology:**  To be provided as a related service, the IEP team must determine that the related service is necessary in order for the student to benefit from the special education program. |

# Determination of Eligibility Examples

## Example 1: SLD-Initial Evaluation

**Determination of Eligibility/Continued Eligibility**

**ARSD 24:05:24:01 & 24:05:25**

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|  | | | |
| **STUDENT NAME:** (SLD-Initial Evaluation) | | | **SIMS:** |
| **PARENT/GUARDIAN NAME:** | | | **MEETING DATE:** |
| **SCHOOL DISTRICT:** | | **SCHOOL:** | |
| **DOB:** | **AGE:** | | **GRADE:** |

Basis for making eligibility determination is drawn from a variety of sources, including aptitude and achievement, parent input and teacher recommendations, as well as information about the student’s physical condition, social or cultural background, and adaptive behavior.

**Summary of Evaluation Reports**

|  |  |  |
| --- | --- | --- |
| **Name of Measure or Assessment** | **Date Administered** | **Test Scores/Results** |
| WISC-IV | 4-4-12 | FSIQ = 82 (Regression Score Needed = 71 or below) |
| WIAT-II | 4-2-12 | All achievement scores were above the standard score of 71 |
| TOLD-I:4 | 3-20-12 | Spoken Language Composite = 94 |

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| **Specific Learning Disabilities - 525** |

Check the appropriate box:

☐ RtI criteria will be used to determine eligibility

☒ Discrepancy criteria will be used to determine eligibility

***(Required for RtI and Discrepancy)***

Does the student achieve adequately for the student’s age or to meet state-approved grade-level standards in one of more of the following areas, when provided with learning experiences and instruction appropriate for the student’s age or state- approved grade-level standards

|  |  |  |
| --- | --- | --- |
| **Subject area** | **Does** | **Does not** |
| Reading Comprehension |  |  |
| Basic Reading Skills |  |  |
| Reading Fluency Skills |  |  |
| Mathematic Calculation |  |  |
| Mathematics Problem Solving |  |  |
| Written Expression |  |  |
| Oral Expression |  |  |
| Listening Comprehension |  |  |

***(Required for RtI Only)***

☐ Based upon the data gathered, the evaluation team determines the student has not made sufficient progress to meet age or state-approved grade-level standards in one or more of the areas identified above when using a process based on the student’s response to scientific, research-based interventions.

***OR***

***(Required for Discrepancy Only)***

☒ The student exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade level standards, or intellectual development, that is determined by the team to be relevant to the identification of a specific learning disability in one or more of the areas identified above when using appropriate assessments.

| ***The Following Section Required only for Initial Eligibility Determination*** |
| --- |
| ***(Required for RtI and Discrepancy)***  Document data that demonstrates that prior to, or as part of, the referral process, the student was provided appropriate instruction in regular education settings by qualified personnel:  Sam has been receiving direct instruction interventions by highly-qualified, trained teachers since the beginning of the 2011 – 2012 school year. |
| ***(Required for RtI Only)***  Qualified Personnel:  Tier I ☐ II ☐ III ☐       Highly Qualified: Yes ☐ No ☐  Tier I ☐ II ☐ III ☐       Highly Qualified: Yes ☐ No ☐  Tier I ☐ II ☐ III ☐       Highly Qualified: Yes ☐ No ☐  Tier I ☐ II ☐ III ☐       Highly Qualified: Yes ☐ No ☐  Tier I ☐ II ☐ III ☐       Highly Qualified: Yes ☐ No ☐  Tier I ☐ II ☐ III ☐       Highly Qualified: Yes ☐ No ☐  Tier I ☐ II ☐ III ☐       Highly Qualified: Yes ☐ No ☐  ***(Required for RtI and Discrepancy)***  Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student’s parents:  Progress was assessed through DIBELS probes and reported to parents on 9/22/2011 and 1/6/2012 through parent reports, in addition to information shared at parent-teacher conferences.  Composite score Fall Winter Spring  110\* 125\* NA  \*Benchmark \*\* Some risk \*\*\*At risk/intensive  ***(Required for RtI Only)***  Week 1:Date:       Score:       Week 2:Date:       Score:       Week 3:Date:       Score:  Week 4:Date:       Score:       Week 5:Date:       Score:       Week 6:Date:       Score:  Week 7:Date:       Score:       Week 8:Date:       Score:       Week 9:Date:       Score:  Week 10:Date:     Score:      Week 11:Date:       Score:      Week 12:Date:     Score:  Week 13:Date:     Score:      Week 14:Date:       Score:      Week 15:Date:     Score:  Week 16:Date:     Score:      Week 17:Date:       Score:      Week 18:Date:     Score:  *\*Add additional data lines if needed* |
| ***(Required for RtI and Discrepancy)***  Attendance Record:  School Year: 2011-12 Total days of school: 109 Total days in attendance: 107  Total days absent: Quarter 1: 0 Quarter 2: 0 Quarter 3: 2 Quarter 4:  School Year: 2010-11 Total days of school: 175 Total days in attendance: 174  Total days absent: Quarter 1: 0 Quarter 2: 0 Quarter 3: 0 Quarter 4: 1 |
| ***(Required for RtI and Discrepancy)***  A student may not be determined to be a student with a disability if the determinant factor is a lack of appropriate instruction.  Is the underachievement of the student due to the lack of instruction in:  ☐ Yes ☒ No – Reading  ☐ Yes ☒ No – Math |

***(Required for RtI)***

☐ Information from an observation in routine classroom instruction and monitoring of the student’s performance was done before the student was referred for an evaluation.

***OR***

***(Required for Discrepancy)***

☒ Observation of the student’s performance in the regular classroom was done after the student has been referred for an evaluation.

**Observation:** Relevant behaviors, if any, noted during the observation of the student and relationship of those behaviors to academic functioning. The observation must occur in the student’s learning environment (including regular classroom setting) to document the student’s academic performance and behavior in the *areas of difficulty.*

In the case of a student of less than school age or out of school, a group member must observe the student in an environment appropriate for a student of that age.

Observer: XXX (School Psychologist) Date of Observation: 4-10-12

Observation Comments:

Sam was observed during reading class. He answered questions when asked during the observation period. After the desk assignment was given, he raised his hand and asked for help. He worked a bit slower than the others in class but remained focused and finished his work by the end of class period.

***(Required for RtI and Discrepancy)***

Document educationally relevant medical findings:

Sam is not known to have any medical conditions which would be expected to have an impact on his educational performance.

***(Required for RtI and Discrepancy)***

The evaluation team determines that the student’s achievement level problem is/is not primarily the result of:

☐ Is ☒ Is Not - Visual, hearing or motor disabilities;

☐ Is ☒ Is Not – Cognitive disability;

☐ Is ☒ Is Not – Emotional disturbance;

☐ Is ☒ Is Not – Cultural factors;

☐ Is ☒ Is Not – Environmental or economic disadvantage;

☐ Is ☒ Is Not – Limited English proficiency.

|  |
| --- |
| ***This Section should only be completed if using***  ***a state-approved response to Intervention model  and RtI criteria will be used to determine eligibility***  ***If the student has participated in a process that assesses the student’s response to scientific, research-based intervention document the following:***  The instructional strategies used in the RtI process that assesses the student’s response to scientific, research-based intervention:  The student has participated in       weeks of Tier 3 interventions. (At least two phases of Tier 3 interventions to consider eligibility)  Tier 3 supports include       minutes of core reading instruction (to include flexible reading small group time) and       minutes of intensive, individualized intervention. The frequency of the interventions is       times per week.  Researched-based intervention strategies (please list by type, not name).  Name of Research-based Intervention strategy: Duration of the intervention:      Universal Screening scores: Fall:       Winter:       Spring:  Actual rate of progress compared to benchmark standard:  Grade level benchmark standard for end of school year:  Desired Rate of Progress:       Predicted Rate of Progress: ­­­­  Is the Predicted Rate of Progress significantly below grade level expectations? ☐ Yes ☐ No |

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| **Specific Learning Disabilities - 525** |

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| List the adverse effects of the disability on student’s educational performance:  Sam’s reading fluency skills are at grade-level. He comprehends what he is reading and is able to focus on instruction occurring in the general classroom setting. Sam’s language skills are also at grade level allowing him to comprehend information in the classroom as well. |

Based upon the above information the team agrees the student:

☐ has a specific learning disability.

☒ does not have a specific learning disability.

This report reflects my conclusions. If not, person(s) in disagreement will indicate such and must submit a separate statement.

**Name Position**

xxx xxx ☒ Agree ☐ Disagree

xxx xxx ☒ Agree ☐ Disagree

xxx xxx ☒ Agree ☐ Disagree

xxx xxx ☒ Agree ☐ Disagree

|  |
| --- |
| **Other Factors Considered:** |

A student may not be determined to be a student with a disability if the determinant factor is a lack of appropriate instruction. Is the underachievement of the student due to the lack of instruction in:

☐ Yes ☒ No – Reading

☐ Yes ☒ No – Math

☐ Yes ☒ No – English Proficiency

Note: If Yes in any category above, the student is not a student with a disability (ARSD 24:05:25:04.03).

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| **Eligibility Determination:** |

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| List the adverse effects of the disability on student’s educational performance: |

☐ YES - The team agrees this student:

1. Has a diagnosed disability;
2. The disability adversely affects the student’s educational performance; and
3. The student requires specifically designed instruction to receive a free appropriate public education.

☒ NO – The student is not eligible for special education or special education and related services.

The team determined this student meets eligibility criteria under the following category: (check the category that will be reported on student count)

☐ Deaf-Blindness - 500 ☐ Vision Loss - 540

☐ Emotional Disturbance - 505 ☐ Deafness - 545

☐ Cognitive Disability - 510 ☐ Speech/Language- 550

☐ Hearing Loss - 515 ☐ Other Health Impairment - 555

☐ Specific Learning Disability - 525 ☐ Autism Spectrum Disorder- 560

☐ Multiple Disabilities (list category(s) of eligibility) -530 ☐ Traumatic Brain Injury - 565

☐ Orthopedic Impairment - 535 ☐ Developmental Delay - 570

List Categories for Multiple Disabilities:

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| For Autism Spectrum Disorder identify:    Social Communication Severity:   Level 3  Level 2  Level 1  Restricted, Repetitive Behavior Severity:   Level 3  Level 2  Level 1 |

## Example 2: SLD

**Determination of Eligibility/Continued Eligibility**

**ARSD 24:05:24:01 & 24:05:25**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | | |
| **STUDENT NAME:** (SLD) | | | **SIMS:** |
| **PARENT/GUARDIAN NAME:** | | | **MEETING DATE:** |
| **SCHOOL DISTRICT:** | | **SCHOOL:** | |
| **DOB:** | **AGE:** | | **GRADE:** |
|  | | | |

Basis for making eligibility determination is drawn from a variety of sources, including aptitude and achievement, parent input and teacher recommendations, as well as information about the student’s physical condition, social or cultural background, and adaptive behavior.

**Summary of Evaluation Reports**

|  |  |  |
| --- | --- | --- |
| **Name of Measure or Assessment** | **Date Administered** | **Test Scores/Results** |
| WISC-IV | 4-4-12 | FSIQ = 82 (Regression Score Needed = 71 or below) |
| WIAT-II | 4-2-12 | Oral Reading Fluency = 67 |
| TOLD-I:4 | 3-20-12 | Spoken Language Composite = 84 |

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| **Specific Learning Disabilities - 525** |

Check the appropriate box:

☐ RtI criteria will be used to determine eligibility

☒ Discrepancy criteria will be used to determine eligibility

***(Required for RtI and Discrepancy)***

Does the student achieve adequately for the student’s age or to meet state-approved grade-level standards in one of more of the following areas, when provided with learning experiences and instruction appropriate for the student’s age or state- approved grade-level standards

|  |  |  |
| --- | --- | --- |
| **Subject area** | **Does** | **Does not** |
| Reading Comprehension |  |  |
| Basic Reading Skills |  |  |
| Reading Fluency Skills |  |  |
| Mathematic Calculation |  |  |
| Mathematics Problem Solving |  |  |
| Written Expression |  |  |
| Oral Expression |  |  |
| Listening Comprehension |  |  |

***(Required for RtI Only)***

☐ Based upon the data gathered, the evaluation team determines the student has not made sufficient progress to meet age or state-approved grade-level standards in one or more of the areas identified above when using a process based on the student’s response to scientific, research-based interventions.

***OR***

***(Required for Discrepancy Only)***

☒ The student exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade level standards, or intellectual development, that is determined by the team to be relevant to the identification of a specific learning disability in one or more of the areas identified above when using appropriate assessments.

| ***The Following Section Required only for Initial Eligibility Determination*** |
| --- |
| ***(Required for RtI and Discrepancy)***  Document data that demonstrates that prior to, or as part of, the referral process, the student was provided appropriate instruction in regular education settings by qualified personnel:  Sam has been receiving direct instruction interventions by highly-qualified, trained teachers. |
| ***(Required for RtI Only)***  Qualified Personnel:  Tier I ☐ II ☐ III ☐       Highly Qualified: Yes ☐ No ☐  Tier I ☐ II ☐ III ☐       Highly Qualified: Yes ☐ No ☐  Tier I ☐ II ☐ III ☐       Highly Qualified: Yes ☐ No ☐  Tier I ☐ II ☐ III ☐       Highly Qualified: Yes ☐ No ☐  Tier I ☐ II ☐ III ☐       Highly Qualified: Yes ☐ No ☐  Tier I ☐ II ☐ III ☐       Highly Qualified: Yes ☐ No ☐  Tier I ☐ II ☐ III ☐       Highly Qualified: Yes ☐ No ☐  ***(Required for RtI and Discrepancy)***  Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student’s parents:  Progress was assessed through DIBELS probes and reported to parents on 9/22/2011 and 1/6/2012 through parent reports, in addition to information shared at parent-teacher conferences.  Composite score Fall Winter Spring  70\*\*\* 75\*\*\* NA  \*Benchmark \*\* Some risk \*\*\*At risk/intensive  ***(Required for RtI Only)***  Week 1:Date:       Score:       Week 2:Date:       Score:       Week 3:Date:       Score:  Week 4:Date:       Score:       Week 5:Date:       Score:       Week 6:Date:       Score:  Week 7:Date:       Score:       Week 8:Date:       Score:       Week 9:Date:       Score:  Week 10:Date:     Score:      Week 11:Date:       Score:      Week 12:Date:     Score:  Week 13:Date:     Score:      Week 14:Date:       Score:      Week 15:Date:     Score:  Week 16:Date:     Score:      Week 17:Date:       Score:      Week 18:Date:     Score:  *\*Add additional data lines if needed* |
| ***(Required for RtI and Discrepancy)***  Attendance Record:  School Year: 2011-12 Total days of school: 109 Total days in attendance: 107  Total days absent: Quarter 1: 0 Quarter 2: 0 Quarter 3: 2 Quarter 4:  School Year: 2010-11 Total days of school: 175 Total days in attendance: 174  Total days absent: Quarter 1: 0 Quarter 2: 0 Quarter 3: 1 Quarter 4: 0 |
| ***(Required for RtI and Discrepancy)***  A student may not be determined to be a student with a disability if the determinant factor is a lack of appropriate instruction.  Is the underachievement of the student due to the lack of instruction in:  ☐ Yes ☒ No – Reading  ☐ Yes ☒ No – Math |

***(Required for RtI)***

☐ Information from an observation in routine classroom instruction and monitoring of the student’s performance was done before the student was referred for an evaluation.

***OR***

***(Required for Discrepancy)***

☒ Observation of the student’s performance in the regular classroom was done after the student has been referred for an evaluation.

**Observation:** Relevant behaviors, if any, noted during the observation of the student and relationship of those behaviors to academic functioning. The observation must occur in the student’s learning environment (including regular classroom setting) to document the student’s academic performance and behavior in the *areas of difficulty.*

In the case of a student of less than school age or out of school, a group member must observe the student in an environment appropriate for a student of that age.

Observer: XXX (School Psychologist) Date of Observation: 4-10-12

Observation Comments:

Sam was observed during language arts class. When asked to read he stumbled over content specific and vocabulary words. It appeared he was uncomfortable reading out loud in a large group setting.

***(Required for RtI and Discrepancy)***

Document educationally relevant medical findings:

Sam is not known to have any medical conditions which would be expected to have an impact on his educational performance.

***(Required for RtI and Discrepancy)***

The evaluation team determines that the student’s achievement level problem is/is not primarily the result of:

☐ Is ☒ Is Not - Visual, hearing or motor disabilities;

☐ Is ☒ Is Not – Cognitive disability;

☐ Is ☒ Is Not – Emotional disturbance;

☐ Is ☒ Is Not – Cultural factors;

☐ Is ☒ Is Not – Environmental or economic disadvantage;

☐ Is ☒ Is Not – Limited English proficiency.

|  |
| --- |
| ***This Section should only be completed if using***  ***a state-approved response to Intervention model  and RtI criteria will be used to determine eligibility***  ***If the student has participated in a process that assesses the student’s response to scientific, research-based intervention document the following:***  The instructional strategies used in the RtI process that assesses the student’s response to scientific, research-based intervention:  The student has participated in       weeks of Tier 3 interventions. (At least two phases of Tier 3 interventions to consider eligibility)  Tier 3 supports include       minutes of core reading instruction (to include flexible reading small group time) and       minutes of intensive, individualized intervention. The frequency of the interventions is       times per week.  Researched-based intervention strategies (please list by type, not name).  Name of Research-based Intervention strategy: Duration of the intervention:      Universal Screening scores: Fall:       Winter:       Spring:  Actual rate of progress compared to benchmark standard:  Grade level benchmark standard for end of school year:  Desired Rate of Progress:       Predicted Rate of Progress: ­­­­  Is the Predicted Rate of Progress significantly below grade level expectations? ☐ Yes ☐ No |

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| --- |
| **Specific Learning Disabilities - 525** |

|  |
| --- |
| List the adverse effects of the disability on student’s educational performance:  Sam’s reading fluency skills are significantly below grade-level. His reading fluency rate with a grade level passage is significantly lower than his peers. This makes it difficult for Sam to comprehend what he is reading and to learn from text in the general classroom setting. |

Based upon the above information the team agrees the student:

☒ has a specific learning disability.

☐ does not have a specific learning disability.

This report reflects my conclusions. If not, person(s) in disagreement will indicate such and must submit a separate statement.

**Name Position**

xxx xxx ☒ Agree ☐ Disagree

xxx xxx ☒ Agree ☐ Disagree

xxx xxx ☒ Agree ☐ Disagree

xxx xxx ☒ Agree ☐ Disagree

|  |
| --- |
| **Other Factors Considered:** |

A student may not be determined to be a student with a disability if the determinant factor is a lack of appropriate instruction.

Is the underachievement of the student due to the lack of instruction in:

☐ Yes ☒ No – Reading

☐ Yes ☒ No – Math

☐ Yes ☒ No – English Proficiency

Note: If Yes in any category above, the student is not a student with a disability (ARSD 24:05:25:04.03).

|  |
| --- |
| **Eligibility Determination:** |

|  |
| --- |
| List the adverse effects of the disability on student’s educational performance:  Sam’s reading fluency skills are significantly below grade-level. His reading fluency rate with a grade level passage is significantly lower than his peers. This makes it difficult for Sam to comprehend what he is reading and to learn from text in the general classroom setting. |

☒ YES - The team agrees this student:

1. Has a diagnosed disability;
2. The disability adversely affects the student’s educational performance; and
3. The student requires specifically designed instruction to receive a free appropriate public education.

☐ NO – The student is not eligible for special education or special education and related services.

The team determined this student meets eligibility criteria under the following category: (check the category that will be reported on student count)

☐ Deaf-Blindness - 500 ☐ Vision Loss - 540

☐ Emotional Disturbance - 505 ☐ Deafness - 545

☐ Cognitive Disability - 510 ☐ Speech/Language- 550

☐ Hearing Loss - 515 ☐ Other Health Impairment - 555

☒ Specific Learning Disability - 525 ☐ Autism Spectrum Disorder- 560

☐ Multiple Disabilities (list category(s) of eligibility) -530 ☐ Traumatic Brain Injury - 565

☐ Orthopedic Impairment - 535 ☐ Developmental Delay - 570

List Categories for Multiple Disabilities:

|  |
| --- |
| For Autism Spectrum Disorder identify:    Social Communication Severity:   Level 3  Level 2  Level 1  Restricted, Repetitive Behavior Severity:   Level 3  Level 2  Level 1 |

## Example 3: Autism Spectrum Disorder (Initial Evaluation)

**Determination of Eligibility/Continued Eligibility**

**ARSD 24:05:24:01 & 24:05:25**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | | |
| **STUDENT NAME:** Autism Spectrum Disorder (Initial Evaluation) | | | **SIMS:** |
| **PARENT/GUARDIAN NAME:** | | | **MEETING DATE:** |
| **SCHOOL DISTRICT:** | | **SCHOOL:** | |
| **DOB:** | **AGE:** | | **GRADE:** |
|  | | | |

Basis for making eligibility determination is drawn from a variety of sources, including aptitude and achievement, parent input and teacher recommendations, as well as information about the student’s physical condition, social or cultural background, and adaptive behavior.

**Summary of Evaluation Reports**

|  |  |  |  |
| --- | --- | --- | --- |
| **Name of Measure or Assessment** | **Date Administered** | **Test Scores/Results** | |
| Wechsler Nonverbal Scale of Ability | 03/08/2012 | Nonverbal IQ Score = 96 | |
| Young Children’s Achievement Test | 03/07/2012 | Early Achievement Composite = 85 | |
| Vineland-II | 02/22/2012 | Adaptive Behavior Composite = 61 | |
| BASC-2 | 02/22/2012 | The parent reported clinically significant scores in the following areas: Externalizing problems, hyperactivity, aggression, depression, atypicality, attention, adaptive skills, adaptability, functional communication, activities of daily living, behavior symptoms index, anger, bullying, developmental social disorders, emotional self-control, executive functioning, negative emotionality and resilience.  The two teachers reported clinically significant scores in the following areas: Externalizing problems, hyperactivity, aggression, depression, atypicality, attention, functional communication, behavior symptoms index, anger, bullying, developmental social disorders, emotional self-control, executive functioning, negative emotionality and resilience |
| Gilliam Autism Rating Scale – 2 | 02/22/2012 | Parent ratings revealed the presence of autism spectrum disorder is Likely.  The two teachers reported the presence of autism spectrum disorder is Very Likely. |
| Preschool Language Scale – 5 | 03/08 & 03/21/2012 | Total Language Score = 68 |
| Peabody Developmental Motor Scale -2 | 03/13 & 03/15/2012 | Fine Motor Quotient = 73  Gross Motor Quotient = 74  Visual Motor Integration = 5 |
| Observation Dates | 02/22, 03/08, & 03/21/2012 |  |
| Autism Diagnosis: ADOS | Report Date: 01/26/2012 | USD Center for Disabilities Report |

|  |
| --- |
| **Autism Spectrum Disorder- 560** |

An autism spectrum disorder is present in a student if the student expresses all three of the characteristics from subdivision (A), at least two characteristics from subdivision (B), and all of the characteristics in subdivision (C) through (E), inclusive:

A) Persistent deficits in social communication and social interaction across multiple contexts, as manifested by all of the following, currently or by history (examples are illustrative, not exhaustive; see text):

1. Deficits in social-emotional reciprocity, ranging, for example, from abnormal social approach and failure of normal back-and-forth conversation; to reduced sharing of interests, emotions, or affect; to failure to initiate or respond to social interactions.

2. Deficits in nonverbal communicative behaviors used for social interaction, ranging, for example, from poorly integrated verbal and nonverbal communication; to abnormalities in eye contact and body language or deficits in understanding and use of gestures; to a total lack of facial expressions and nonverbal communication.

3. Deficits in developing, maintaining, and understand relationships, ranging, for example, from difficulties adjusting behavior to suit various social contexts; to difficulties in sharing imaginative play or in making friends; to absence of interest in peers.

B) Restricted, repetitive patterns of behavior, interests, or activities, as manifested by at least two of the following, currently or by history (examples are illustrative, not exhaustive; see text):

1. Stereotyped or repetitive motor movements, use of objects, or speech (e.g., simple motor stereotypes, lining up toys or flipping objects, echolalia, idiosyncratic phrases).

2. Insistence on sameness, inflexible adherence to routines, or ritualized patterns of verbal or nonverbal behavior (e.g., extreme distress at small changes, difficulties with transitions, rigid thinking patterns, greeting rituals, need to take same route or eat same food every day).

3. Highly restricted, fixated interests that are abnormal in intensity or focus (e.g., strong attachment to or preoccupation with unusual objects, excessively circumscribed or perseverative interests).

4. Hyper- or hyporeactivity to sensory input or unusual interest in sensory aspects of the environment (e.g. apparent indifference to pain/temperature, adverse response to specific sounds or textures, excessive smelling or touching of objects, visual fascination with lights or movement).

C) Symptoms must be present in the early developmental period (but may not become fully manifest until social demands exceed limited capacities, or may be masked by learned strategies in later life.)

D) Symptoms cause clinically significant impairment in social, occupational, or other important areas of current functioning.

E) These disturbances are not better explained by intellectual disability (intellectual development disorder) or global development delay. Intellectual disability and autism spectrum disorder frequently co-occur; to make comorbid diagnoses of autism spectrum disorder and intellectual disability; social communication should be below that expected for general developmental level.

If the above criteria are met, the student meets the definition of a student with autism spectrum disorder.

|  |
| --- |
| **Other Factors Considered:** |

A student may not be determined to be a student with a disability if the determinant factor is a lack of appropriate instruction.

Is the underachievement of the student due to the lack of instruction in:

☐ Yes ☒ No – Reading

☐ Yes ☒ No – Math

☐ Yes ☒ No – English Proficiency

Note: If Yes in any category above, the student is not a student with a disability (ARSD 24:05:25:04.03).

|  |
| --- |
| **Eligibility Determination:** |

|  |
| --- |
| List the adverse effects of the disability on student’s educational performance:  Sam’s delays in self-care skills make it difficult for him to function as independently in the classroom as would be expected for a child his age. He does not play or interact with other children in the classroom, making group learning activities and opportunities to develop social skills difficult. He struggles with transitioning between activities and environments and with being told no. When he is upset, frustrated, or feeling anxious, Sam often engages in behaviors that are disruptive to the classroom environment and at times present a danger to others. Sam’s language development has been significantly delayed. He exhibits a great deal of echolalia which makes it difficult for him to express himself to others. He also demonstrates difficulties with receptive language that make it difficult for him to comprehend what he is being told. Sam also has significant difficulties in the area of fine motor development, which affect his writing skills. Sam struggles with gross motor development in the area of balance that limits his mobility in the classroom and other educational environments, |

☒ YES - The team agrees this student:

1. Has a diagnosed disability;
2. The disability adversely affects the student’s educational performance; and
3. The student requires specifically designed instruction to receive a free appropriate public education.

☐ NO – The student is not eligible for special education or special education and related services.

The team determined this student meets eligibility criteria under the following category: (check the category that will be reported on student count)

☐ Deaf-Blindness - 500 ☐ Vision Loss - 540

☐ Emotional Disturbance - 505 ☐ Deafness - 545

☐ Cognitive Disability - 510 ☐ Speech/Language- 550

☐ Hearing Loss - 515 ☐ Other Health Impairment - 555

☐ Specific Learning Disability - 525 ☒ Autism Spectrum Disorder - 560

☐ Multiple Disabilities (list category(s) of eligibility) -530 ☐ Traumatic Brain Injury - 565

☐ Orthopedic Impairment - 535 ☐ Developmental Delay - 570

List Categories for Multiple Disabilities:

|  |
| --- |
| For Autism Spectrum Disorder identify:    Social Communication Severity:   Level 3  Level 2  Level 1  Restricted, Repetitive Behavior Severity:   Level 3  Level 2  Level 1 |

## Example 4: OHI- ADHD Example-Reevaluation

**Determination of Eligibility/Continued Eligibility**

**ARSD 24:05:24:01 & 24:05:25**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | | |
| **STUDENT NAME:**  (OHI – ADHD Example-Reevaluation) | | | **SIMS:** |
| **PARENT/GUARDIAN NAME:** | | | **MEETING DATE:** |
| **SCHOOL DISTRICT:** | | **SCHOOL:** | |
| **DOB:** | **AGE:** | | **GRADE:** |
|  | | | |

Basis for making eligibility determination is drawn from a variety of sources, including aptitude and achievement, parent input and teacher recommendations, as well as information about the student’s physical condition, social or cultural background, and adaptive behavior.

**Summary of Evaluation Reports**

|  |  |  |  |
| --- | --- | --- | --- |
| **Name of Measure or Assessment** | **Date Administered** | **Test Scores/Results** | |
| WISC-IV | 11/4/2008 | FSIQ = 84 (score pulled forward) | |
| WJ-III | 10/19/2012 | All scores are in the average and above average range |
| BASC-II (Self-Report) | 10/05/2012 | Clinically significant scores were reported in the following areas: Internalizing Problems, Atypicality, Anxiety, Inattention/Hyperactivity, Personal Adjustment, Relations With Parents, Self-Reliance, Emotional Symptoms |
| BASC-II (Teachers 1 and 2) | 10/08 – 10/12/2012 | Clinically significant scores were reported in the following areas: Hyperactivity, Attention Problems, Social Skills, Study Skills |
| Conners-3 (Teachers 1 and 2 | 10/08 – 10/12/2012 | Clinically significant scores were reported in the following areas: Restless-Impulsive, Inattention, Hyperactivity /Impulsivity, Executive Functioning, Defiance/Aggression, Peer Relations, DSM-IV – ADHD (Inattentive) DSM-IV – ADHD (Hyperactive Impulsive) |
| Connors Short Form (Parent) | 10/10/2012 | Clinically significant scores were reported in the following areas: Inattention, Hyperactivity/Impulsivity, Learning Problems, Executive Functioning, Defiance/Aggression, Peer Relations. |
| Diagnosis by Dr. ZZZ | Report dated 8-4-04. | Attention-Deficit/Hyperactivity Disorder - Combined Type |

|  |
| --- |
| **Other Health Impaired - 555** |

☒ Having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that: Is due to chronic or acute health problems such as such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, attention deficit disorder or attention deficit hyperactivity disorder, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, Tourette syndrome, or diabetes

|  |
| --- |
| **Other Factors Considered:** |

If the above criteria are met, the student meets the definition of a student with other health impairment.

A student may not be determined to be a student with a disability if the determinant factor is a lack of appropriate instruction.

Is the underachievement of the student due to the lack of instruction in:

☐ Yes ☒ No – Reading

☐ Yes ☒ No – Math

☐ Yes ☒ No – English Proficiency

Note: If Yes in any category above, the student is not a student with a disability (ARSD 24:05:25:04.03).

|  |
| --- |
| **Eligibility Determination:** |

|  |
| --- |
| List the adverse effects of the disability on student’s educational performance:  Suzy has difficulty focusing her attention on appropriate things in the classroom for the amount of time required by the tasks. Her attention is frequently drawn to unimportant stimuli. She is very restless and has difficulty containing her energy in the classroom. Suzy also rushes to complete work, missing directions and making careless mistakes. This results in below average or failing grades. She has a difficult time with organization and managing her materials, making it difficult for her to find things that she needs resulting in missing assignments. |

☒ YES - The team agrees this student:

1. has a diagnosed disability;
2. the disability adversely affects the student’s educational performance; and
3. the student requires specifically designed instruction to receive a free appropriate public education.

☐ NO – The student is not eligible for special education or special education and related services.

The team determined this student meets eligibility criteria under the following category: (check the category that will be reported on student count)

☐ Deaf-Blindness - 500 ☐ Vision Loss - 540

☐ Emotional Disturbance - 505 ☐ Deafness - 545

☐ Cognitive Disability - 510 ☐ Speech/Language- 550

☐ Hearing Loss - 515 ☒ Other Health Impairment - 555

☐ Specific Learning Disability - 525 ☐ Autism Spectrum Disorder- 560

☐ Multiple Disabilities (list category(s) of eligibility) -530 ☐ Traumatic Brain Injury - 565

☐ Orthopedic Impairment - 535 ☐ Developmental Delay - 570

List Categories for Multiple Disabilities:

|  |
| --- |
| For Autism Spectrum Disorder identify:    Social Communication Severity:   Level 3  Level 2  Level 1  Restricted, Repetitive Behavior Severity:   Level 3  Level 2  Level 1 |

## Example 5: ED and SLD – Reevaluation

**Determination of Eligibility/Continued Eligibility**

**ARSD 24:05:24:01 & 24:05:25**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | | |
| **STUDENT NAME:** (Emotional Disturbance and Specific Learning Disability-Reevaluation) | | | **SIMS:** |
| **PARENT/GUARDIAN NAME:** | | | **MEETING DATE:** |
| **SCHOOL DISTRICT:** | | **SCHOOL:** | |
| **DOB:** | **AGE:** | | **GRADE:** |
|  | | | |

Basis for making eligibility determination is drawn from a variety of sources, including aptitude and achievement, parent input and teacher recommendations, as well as information about the student’s physical condition, social or cultural background, and adaptive behavior.

**Summary of Evaluation Reports**

|  |  |  |  |
| --- | --- | --- | --- |
| **Name of Measure or Assessment** | **Date Administered** | **Test Scores/Results** | |
| WISC-IV | 12/14/2011 | FSIQ = 92 (Regression = 77 and below) | |
| WIAT-III | 11/30/2011 | Reading Comprehension = 73 | |
| BASC-II | 12/5 – 12/16/2011 | Parent reported clinically significant scores in the following areas: Behavioral symptom index, externalizing problems hyperactivity and aggression.  Teacher 1 and 2 reported clinically significant problems in the following areas: Behavioral symptoms index, externalizing problems, adaptive skills, aggression, conduct problems, depression, atypicality, withdrawal, attention problems, functional communication and leadership. | |
| Diagnosis by Dr. XXXX | Report date 10-5-05 | Reactive Attachment Disorder | |
| **Specific Learning Disabilities – 525** | | |

Check the appropriate box:

☐ RtI criteria will be used to determine eligibility

☒ Discrepancy criteria will be used to determine eligibility

***(Required for RtI and Discrepancy)***

Does the student achieve adequately for the student’s age or to meet state-approved grade-level standards in one of more of the following areas, when provided with learning experiences and instruction appropriate for the student’s age or state- approved grade-level standards

|  |  |  |
| --- | --- | --- |
| **Subject area** | **Does** | **Does not** |
| Reading Comprehension |  |  |
| Basic Reading Skills |  |  |
| Reading Fluency Skills |  |  |
| Mathematic Calculation |  |  |
| Mathematics Problem Solving |  |  |
| Written Expression |  |  |
| Oral Expression |  |  |
| Listening Comprehension |  |  |

***(Required for RtI Only)***

☐ Based upon the data gathered, the evaluation team determines the student has not made sufficient progress to meet age or state-approved grade-level standards in one or more of the areas identified above when using a process based on the student’s response to scientific, research-based interventions.

***OR***

***(Required for Discrepancy Only)***

☒ The student exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade level standards, or intellectual development, that is determined by the team to be relevant to the identification of a specific learning disability in one or more of the areas identified above when using appropriate assessments.

| ***The Following Section Required only for Initial Eligibility Determination*** |
| --- |
| ***(Required for RtI and Discrepancy)***  Document data that demonstrates that prior to, or as part of, the referral process, the student was provided appropriate instruction in regular education settings by qualified personnel: |
| ***(Required for RtI Only)***  Qualified Personnel:  Tier I ☐ II ☐ III ☐       Highly Qualified: Yes ☐ No ☐  Tier I ☐ II ☐ III ☐       Highly Qualified: Yes ☐ No ☐  Tier I ☐ II ☐ III ☐       Highly Qualified: Yes ☐ No ☐  Tier I ☐ II ☐ III ☐       Highly Qualified: Yes ☐ No ☐  Tier I ☐ II ☐ III ☐       Highly Qualified: Yes ☐ No ☐  Tier I ☐ II ☐ III ☐       Highly Qualified: Yes ☐ No ☐  Tier I ☐ II ☐ III ☐       Highly Qualified: Yes ☐ No ☐  ***(Required for RtI and Discrepancy)***  Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student’s parents:  ***(Required for RtI Only)***  Week 1:Date:       Score:       Week 2:Date:       Score:       Week 3:Date:       Score:  Week 4:Date:       Score:       Week 5:Date:       Score:       Week 6:Date:       Score:  Week 7:Date:       Score:       Week 8:Date:       Score:       Week 9:Date:       Score:  Week 10:Date:     Score:      Week 11:Date:       Score:      Week 12:Date:     Score:  Week 13:Date:     Score:      Week 14:Date:       Score:      Week 15:Date:     Score:  Week 16:Date:     Score:      Week 17:Date:       Score:      Week 18:Date:     Score:  *\*Add additional data lines if needed* |
| ***(Required for RtI and Discrepancy)***  Attendance Record:  School Year:       Total days of school:       Total days in attendance:  Total days absent: Quarter 1:       Quarter 2:       Quarter 3:       Quarter 4:  School Year:       Total days of school:       Total days in attendance:  Total days absent: Quarter 1:       Quarter 2:       Quarter 3:       Quarter 4: |
| ***(Required for RtI and Discrepancy)***  A student may not be determined to be a student with a disability if the determinant factor is a lack of appropriate instruction.  Is the underachievement of the student due to the lack of instruction in:  ☐ Yes ☐ No – Reading  ☐ Yes ☐ No – Math |

***(Required for RtI)***

☐ Information from an observation in routine classroom instruction and monitoring of the student’s performance was done before the student was referred for an evaluation.

***OR***

***(Required for Discrepancy)***

☒ Observation of the student’s performance in the regular classroom was done after the student has been referred for an evaluation.

**Observation:** Relevant behaviors, if any, noted during the observation of the student and relationship of those behaviors to academic functioning. The observation must occur in the student’s learning environment (including regular classroom setting) to document the student’s academic performance and behavior in the *areas of difficulty.*

Observer: XXX, School Psychologist Date of Observation: xx/xx/xxxx

Observation Comments

Suzy was observed during recess as well as during her reading class. She was noted to engage in several unusual behaviors and have difficulty with her interactions with both peers and adults. Peers would turn away from her if she would approach them. She would become frustrated and stop working when reading assignments.

***(Required for RtI and Discrepancy)***

Document educationally relevant medical findings:

Suzy is diagnosed with Reactive Attachment Disorder

***(Required for RtI and Discrepancy)***

The evaluation team determines that the student’s achievement level problem is/is not primarily the result of:

☐ Is ☒ Is Not - Visual, hearing or motor disabilities;

☐ Is ☒ Is Not – Cognitive disability;

☒ Is ☐ Is Not – Emotional disturbance;

☐ Is ☒ Is Not – Cultural factors;

☐ Is ☒ Is Not – Environmental or economic disadvantage;

☐ Is ☒ Is Not – Limited English proficiency.

|  |
| --- |
| ***This Section should only be completed if using***  ***a state-approved response to Intervention model  and RtI criteria will be used to determine eligibility***  ***If the student has participated in a process that assesses the student’s response to scientific, research-based intervention document the following:***  The instructional strategies used in the RtI process that assesses the student’s response to scientific, research-based intervention:  The student has participated in       weeks of Tier 3 interventions. (At least two phases of Tier 3 interventions to consider eligibility)  Tier 3 supports include       minutes of core reading instruction (to include flexible reading small group time) and       minutes of intensive, individualized intervention. The frequency of the interventions is       times per week.  Researched-based intervention strategies (please list by type, not name).  Name of Research-based Intervention strategy: Duration of the intervention:      Universal Screening scores: Fall:       Winter:       Spring:  Actual rate of progress compared to benchmark standard:  Grade level benchmark standard for end of school year:  Desired Rate of Progress:       Predicted Rate of Progress: ­­­­  Is the Predicted Rate of Progress significantly below grade level expectations? ☐ Yes ☐ No |

|  |
| --- |
| **Specific Learning Disabilities – 525** |

|  |
| --- |
| List the adverse effects of the disability on student’s educational performance:  Suzy’s reading comprehension skills are significantly below the level expected for a person her age, which causes her frustration. Her behavior affects her comprehension. She has difficulty completing classroom assignments and participating in activities involving other children in the classroom. |

Based upon the above information the team agrees the student:

☐ has a specific learning disability.

☒ does not have a specific learning disability.

This report reflects my conclusions. If not, person(s) in disagreement will indicate such and must submit a separate statement.

**Name Position**

xxx Administrator ☒ Agree ☐ Disagree

xxx Special Educator ☒ Agree ☐ Disagree

xxx Parent ☒ Agree ☐ Disagree

xxx Regular Educator ☒ Agree ☐ Disagree

xxx Evaluator ☒ Agree ☐ Disagree

|  |
| --- |
| **Emotional Disturbance - 505** |

The following characteristics are indicative of an emotional disturbance. Check those that apply: (student must exhibit one or more characteristics to meet criteria):

☐ An inability to learn which cannot be explained by intellectual, sensory or health factors.

☒ An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.

☒ Inappropriate types of behavior or feelings under normal circumstances.

☐ A general pervasive mood of unhappiness or depression.

☐ A tendency to develop physical symptoms or fears associated with personal or school problems.

Emotional disturbance does not include social maladjustment, unless the student also has an emotional disturbance. Emotional disturbance includes schizophrenia.

The following criteria must also be met:

☒ The student characteristics are exhibited serious behavior problems over a long period of time (not less than 6 months).

☒ Documentation from the school and one or more sources of the frequency & severity of the targeted behaviors.

☒ Student's performance falls 2 standard deviations below the mean in emotional functions as measured in school, home, and community on nationally formed technically adequate measures.

If the above criteria are met, the student meets the definition of a student with an emotional disturbance.

|  |
| --- |
| **Other Factors Considered:** |

A student may not be determined to be a student with a disability if the determinant factor is a lack of appropriate instruction.

Is the underachievement of the student due to the lack of instruction in:

☐ Yes ☒ No – Reading

☐ Yes ☒ No – Math

☐ Yes ☒ No – English Proficiency

Note: If Yes in any category above, the student is not a student with a disability (ARSD 24:05:25:04.03).

|  |
| --- |
| **Eligibility Determination:** |

|  |
| --- |
| List the adverse effects of the disability on student’s educational performance:  Suzy engages in several unusual behaviors, which results in peers avoiding her throughout the school day. Her difficulty with peer interactions interferes with her ability to complete classroom assignments and group activities involving other children. She also has difficulty asking for help when she needs it and accepting help from others when offered. Suzy’s reading comprehension skills are significantly below the level expected for a person her age due to her behavior. |

☒ YES - The team agrees this student:

1. has a diagnosed disability;
2. the disability adversely affects the student’s educational performance; and
3. the student requires specifically designed instruction to receive a free appropriate public education.

☐ NO – The student is not eligible for special education or special education and related services.

The team determined this student meets eligibility criteria under the following category: (check the category that will be reported on student count)

☐ Deaf-Blindness - 500 ☐ Vision Loss - 540

☒ Emotional Disturbance - 505 ☐ Deafness - 545

☐ Cognitive Disability - 510 ☐ Speech/Language- 550

☐ Hearing Loss - 515 ☐ Other Health Impairment - 555

☐ Specific Learning Disability - 525 ☐ Autism Spectrum Disorder - 560

☐ Multiple Disabilities (list category(s) of eligibility) -530 ☐ Traumatic Brain Injury - 565

☐ Orthopedic Impairment - 535 ☐ Developmental Delay - 570

List Categories for Multiple Disabilities:

|  |
| --- |
| For Autism Spectrum Disorder identify:    Social Communication Severity:   Level 3  Level 2  Level 1  Restricted, Repetitive Behavior Severity:   Level 3  Level 2  Level 1 |

## Example 6: Cognitive Disability- Reevaluation

**Determination of Eligibility/Continued Eligibility**

**ARSD 24:05:24:01 & 24:05:25**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | | |
| **STUDENT NAME:** (Cognitive Disability-Reevaluation) | | | **SIMS:** |
| **PARENT/GUARDIAN NAME:** | | | **MEETING DATE:** |
| **SCHOOL DISTRICT:** | | **SCHOOL:** | |
| **DOB:** | **AGE:** | | **GRADE:** |
|  | | | |

Basis for making eligibility determination is drawn from a variety of sources, including aptitude and achievement, parent input and teacher recommendations, as well as information about the student’s physical condition, social or cultural background, and adaptive behavior.

**Summary of Evaluation Reports**

|  |  |  |  |
| --- | --- | --- | --- |
| **Name of Measure or Assessment** | **Date Administered** | **Test Scores/Results** | |
| DAS-2 | 09/05/2012 | General Conceptual Ability: 53 | |
| Y-CAT | 09/07/2012 | Early Achievement Composite: 67 | |
| ABAS-2 | 09/05 – 09/07/2012 | General Adaptive Composite (School): 59  (Home): 64 | |
| PLS-5 | 09/06/2012 | Total Language Score: 60 | |
| TOLD: P4 | 08/29/2012 | Spoken Language Total: 52 | |
| PDMS-2 | 08/27 & 08/29/2012 | Fine Motor Quotient: 70 | |
| **Cognitive Disability – 510** | | |

The following characteristics are indicative of a cognitive disability.

☒ General intellectual functioning 2 standard deviations or more below the mean as determined by the full scale score on an individual cognitive evaluation, plus or minus standard error of measurement.

☒ Exhibits deficits in adaptive behavior and academic or pre-academic skills as determined by an individual evaluation and manifested before age 18.

If the above criteria are met, the student meets the definition of a student with a cognitive disability.

|  |
| --- |
| **Speech or Language Disorder – 550** |

**Articulation Disorder:**

☐ Performance on a standardized articulation test falls 2 standard deviations below the mean & intelligibility is   
affected in conversation;

☐ Test performance is less than 2 standard deviations below the mean but the student is judged unintelligible by the speech language clinician and one other adult;

☐ Performance on a phonological assessment which falls in the profound or severe range & intelligibility is affected in conversation;

☐ Performance on a phonological assessment falls in the moderate range, intelligibility is affected in conversation, and during a tracking period of between 3 and 6 months there was a lack of improvement in the number and type of errors;

☐ An error persists 6 months to 1 year beyond the chronological age when 90% of students have typically acquired the sound based on developmental articulation norms.

**Fluency Disorder:**

☐ The student consistently exhibits one or more of the following symptomatic behaviors of dysfluency:

1. Sound, syllable, or word repetition;
2. Prolongations of sounds, syllables, or words;
3. Blockages; or
4. Hesitations.

☐ There is a significant discrepancy from the norm (5 dysfluencies per minute) as measured by speech sampling in a variety of contexts; or

☐ The disruption occurs to the degree that the individual or persons who listen to the individual evidence reactions to the manner of speech and the disruptions so that communication is impeded.

**Voice Disorder:**

☐ Consistent deviations in one or more of the parameters of voice: pitch, quality, or volume exist; and

☐ The voice is discrepant from the norm as related to age, gender, and cultural and is distracting to the listener; and

☐ The disorder is not the result of a temporary problem such as: normal voice changes, allergies, colds, or other such conditions.

**Language Disorder:**

☒ Through age 8, performance falls 1.5 standard deviations below the mean on standardized evaluations;

☐ Beginning at age 9, a difference of 1.5 standard deviations between performance on a individually administered language assessment instrument and measured expected potential as measured by an individually administered intelligence test; and

☐ The student's pragmatic skill, as measured by checklists, language samples and/or observation, adversely affects the student's academic and social interactions

If the above criteria are met, the student meets the definition of a student with a speech (articulation, fluency, voice) or language impairment.

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| --- |
| **Other Factors Considered:** |

A student may not be determined to be a student with a disability if the determinant factor is a lack of appropriate instruction.

Is the underachievement of the student due to the lack of instruction in:

☐ Yes ☒ No – Reading

☐ Yes ☒ No – Math

☐ Yes ☒ No – English Proficiency

Note: If Yes in any category above, the student is not a student with a disability (ARSD 24:05:25:04.03).

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| --- |
| **Eligibility Determination:** |

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| --- |
| List the adverse effects of the disability on student’s educational performance:  Suzy’s academic skills are significantly below where they would be expected to be for a student in Kindergarten. She struggles to focus her attention for the length of time necessary to complete tasks, and requires extensive repetition and exposure to master new concepts and skills. Suzy’s basic vocabulary, receptive, expressive language and fine motor skills lag significantly behind those of her classmates. She has difficulty following simple two-step directions, and struggles to complete both academic and self-care tasks independently at school. |

☒ YES - The team agrees this student:

1. has a diagnosed disability;
2. the disability adversely affects the student’s educational performance; and
3. the student requires specifically designed instruction to receive a free appropriate public education.

☐ NO – The student is not eligible for special education or special education and related services.

The team determined this student meets eligibility criteria under the following category: (check the category that will be reported on student count)

☐ Deaf-Blindness - 500 ☐ Vision Loss - 540

☐ Emotional Disturbance - 505 ☐ Deafness - 545

☒ Cognitive Disability - 510 ☐ Speech/Language- 550

☐ Hearing Loss - 515 ☐ Other Health Impairment - 555

☐ Specific Learning Disability - 525 ☐ Autism Spectrum Disorder- 560

☐ Multiple Disabilities (list category(s) of eligibility) -530 ☐ Traumatic Brain Injury - 565

☐ Orthopedic Impairment - 535 ☐ Developmental Delay - 570

List Categories for Multiple Disabilities:

|  |
| --- |
| For Autism Spectrum Disorder identify:    Social Communication Severity:   Level 3  Level 2  Level 1  Restricted, Repetitive Behavior Severity:   Level 3  Level 2  Level 1 |

## Example 7: Orthopedic Impairment- Reevaluation

**Determination of Eligibility/Continued Eligibility**

**ARSD 24:05:24:01 & 24:05:25**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | | |
| **STUDENT NAME:** (Orthopedic Impairment – Reevaluation) | | | **SIMS:** |
| **PARENT/GUARDIAN NAME:** | | | **MEETING DATE:** |
| **SCHOOL DISTRICT:** | | **SCHOOL:** | |
| **DOB:** | **AGE:** | | **GRADE:** |
|  | | | |

Basis for making eligibility determination is drawn from a variety of sources, including aptitude and achievement, parent input and teacher recommendations, as well as information about the student’s physical condition, social or cultural background, and adaptive behavior.

**Summary of Evaluation Reports**

|  |  |  |  |
| --- | --- | --- | --- |
| **Name of Measure or Assessment** | **Date Administered** | **Test Scores/Results** | |
| Stanford-Binet 5 | 10/31/2012 | NVIQ = 75, VIQ = 102, FSIQ = 88 | |
| YCAT | 10/02/2012 | All scores were in the average range | |
| Vineland-II | 11/01/2012 | Adaptive Composite = 74 | |
| PDMS-II | 10/17 & 10/31/2012 | Fine Motor Quotient = 67  Gross Motor Quotient = 66 | |
| Sanford Specialty Clinic Diagnosis | Report of: 6-15-10 | Cerebral Palsy | |
| Observation: | 10-10-12 | Sam was observed with his preschool class | |
| **Orthopedic Impairment – 535** | | |

There must be evidence of the following:

☒ Severely impaired motor functioning that adversely affects educational performance; **and**

☒ Deficits in muscular or neuromuscular functioning that significantly limits the student's ability to move about, sit, or manipulate materials required for learning; **and**

☒ Student's bone, joint, or muscle problems affect ambulation, posture, or gross and fine motor skills; **and**

☒ Medical data by a qualified medical evaluator describes and confirms an orthopedic impairment.

If the above criteria are met, the student meets the definition of a student with an orthopedic impairment.

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| --- |
| **Other Factors Considered:** |

A student may not be determined to be a student with a disability if the determinant factor is a lack of appropriate instruction.

Is the underachievement of the student due to the lack of instruction in:

☐ Yes ☒ No – Reading

☐ Yes ☒ No – Math

☐ Yes ☒ No – English Proficiency

Note: If Yes in any category above, the student is not a student with a disability (ARSD 24:05:25:04.03).

|  |
| --- |
| **Eligibility Determination:** |

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| --- |
| List the adverse effects of the disability on student’s educational performance:  Sam has significant difficulty with both gross and fine motor skills that significantly impact his ability to participate in activities in the classroom as well as social situations, such as recess. His physical limitations make it difficult for him to keep up with his peers in academic, adaptive and motor skills. |

☒ YES - The team agrees this student:

1. has a diagnosed disability;
2. the disability adversely affects the student’s educational performance; and
3. the student requires specifically designed instruction to receive a free appropriate public education.

☐ NO – The student is not eligible for special education or special education and related services.

The team determined this student meets eligibility criteria under the following category: (check the category that will be reported on student count)

☐ Deaf-Blindness - 500 ☐ Vision Loss - 540

☐ Emotional Disturbance - 505 ☐ Deafness - 545

☐ Cognitive Disability - 510 ☐ Speech/Language- 550

☐ Hearing Loss - 515 ☐ Other Health Impairment - 555

☐ Specific Learning Disability - 525 ☐ Autism Spectrum Disorder - 560

☐ Multiple Disabilities (list category(s) of eligibility) -530 ☐ Traumatic Brain Injury - 565

☒ Orthopedic Impairment - 535 ☐ Developmental Delay - 570

List Categories for Multiple Disabilities:

|  |
| --- |
| For Autism Spectrum Disorder identify:    Social Communication Severity:   Level 3  Level 2  Level 1  Restricted, Repetitive Behavior Severity:   Level 3  Level 2  Level 1 |